

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-CR-40

JOEL M. KLINE,

Defendant.

ORDER

Defendant Joel M. Kline is presently serving a life sentence for multiple counts relating to the sexual assault of children. Two of the child victims have now filed a motion seeking an order releasing “any and all financial information obtained or possessed by any department of the federal government” The movants state that the basis for their motion is to gather financial information to be used in a civil action against Mr. Kline. The motion is completely silent, however, as to the authority, statutory or caselaw, that entitles movants to the relief they seek. The only support for the motion is an affidavit filed by movants’ counsel, which again simply sets forth the reason why the information is requested. There is no indication that a copy of the motion has been served on either party to this action, including Kline.

Under these circumstances, the motion must be denied. At a minimum, any motion seeking relief from a court should state the authority upon which the request is based unless the request is so obvious as to require no authority. See Civil L.R. 7.01. In addition, the opposing party or parties must be provided a copy of the motion so that they have an opportunity to object and state their

position. These rules are especially appropriate where, as in this case, a non-party seeks information from a department of the federal government in a criminal case. It may turn out that neither Kline nor the government objects to the release of the financial information that is sought. It is also possible that some of the more recent victim rights legislation authorizes the presiding judge in a criminal case to release such information, even over the objection of the defendant. Absent such authorization or consent, however, it may be necessary for counsel to commence a separate action seeking information. In any event, because the motion fails to state the authority upon which it is based and there is no showing that the parties to this case have been served with a copy of the motion, it must be denied. The denial, however, is without prejudice.

SO ORDERED.

Dated this 11th day of August, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge